

Attachment to Interview Summary

1. Applicant proposed amending independent claims 1-3 with the limitation that Ra is .4 to 3 microns instead of .2 to 3 microns. Applicant argued that this distinguishes over Kazuo et al. where the machine translation indicates that the range for Ra is .02 to .3 microns and not the .02 to 3 microns stated by the examiner in the office action mailed 06 August 2009. The examiner pointed out that applicant in the instant specification at page 2, line 24 describes the Kazuo et al. reference as having a Ra of .02 to 3 microns and that this could be considered as an admission by applicant as to what Kazuo et al. teaches. Applicant argued that the machine translation at paragraph 0016 states that Kazuo et al. cannot use a range of Ra above .3 microns. The examiner indicated that he reads that section of Kazuo et al. as teaching a degraded performance above a Ra of .3 microns, and not absolute destruction of the function of the reference. Requirements for possible showings of unexpected results were discussed as a way to overcome the art rejection. No agreement was reached on any of the issues.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww
December 31, 2009

/William P. Watkins III/
Primary Examiner, Art Unit 1794